

REMARKS

This amendment is responsive to the non-Final Office Action of December 3, 2008. Reconsideration and allowance of claims 2-4, 6, 7, 9, 16-19 and 21-31 are requested.

The Office Action

Claims 2, 4, and 22 stand rejected under 35 U.S.C. § 112, first paragraph.

Claims 2 and 22 stand rejected under 35 U.S.C. § 102 over Hochstedler (US 6,707,476).

Claims 4, 6, and 16-18 stand rejected under 35 U.S.C. § 103 over Hochstedler in view of McComb (US 6,111,573).

Claims 7, 9, 20, and 21 stand rejected under 35 U.S.C. § 103 over McComb in view of Hochstedler.

Claim 19 stands rejected under 35 U.S.C. § 103 over McComb in view of Hochstedler further modified by Ellis (US 2003/0210281).

Claim 23 stands rejected under 35 U.S.C. § 103 over Hochstedler.

35 U.S.C. § 112, First Paragraph

Claim 2 has been amended to eliminate the “highest” requirement to which the Examiner objected.

Claim 4 and 22 have been amended such that it is fully supported by page 5, line 33, page 6, line 23, and others (plurality of objects), and page 3, lines 7-10 and page 5, line 6 (information from medical measuring devices).

Although it is submitted that phrases like “inputting data from a plurality of patient monitoring devices” is supported or at least reasonably inferred from page 3, lines 7-10 and page 5, line 6, the Applicant has removed the language to which the Examiner objected.

With this amendment, it is submitted that all claims now comply fully with the requirements of 35 U.S.C. § 112.

Claim 3 is Not Anticipated By McComb

Claim 3 calls for optimizing the presentation on a display screen of objects of a user interface which can be freely positioned and scaled by means of control elements by means of a predetermined calculation rule in a manner that the objects can be automatically changed in dependence on object contents, selected preferred settings and available space resource, on the display screen, between a minimum readable size and a selected maximum size in such a manner that optimum filling of the available display screen surface is achieved while suppressing less important details of the object contents and while changing the mode of display of the object contents and/or the object as well as while avoiding mutual overlapping of objects, wherein the objects are ordered in a hierarchy, and ordering of the hierarchy of combined objects can be changed.

First, the applicant refers the Examiner to the arguments presented in Amendment C.

Second, the Examiner's Response to Arguments directs the Applicant's attention to column 3, lines 13-20 and 35-40, and to column 11, lines 55-65 of McComb, which the Examiner asserts adjusts the position and scale of the contained objects to fill the available display screen area. The Applicant disagrees. The sections of McComb referenced by the Examiner are directed to the letters or other characters contained within a container or window object (note column 7, line 14 – column 8, line 17). That is, if a user selects a large font for button **500**, the button outline would grow to hold the larger text without truncating it. Similarly, if a small font is selected, the button outline would shrink accordingly. Also, if the button outline or window graphic object cannot expand to hold the full text, a shortened form of the text is substituted. This concept is labeled by McComb as a dynamic sizing feature, which dynamic sizing feature causes the button object to be aware of the size of the text within so that it adjusts its own size in response to font size (column 8, lines 19-22).

Column 10, lines 13-39 of McComb referenced by the Examiner describe sizing the button object to accommodate the text held therein, not to optimizing filling of a display screen with window objects. Column 11, lines 55-65 of McComb referenced by the Examiner discuss filling the window objects with text. It

does not relate to filling the screen with window objects. Note column 11, lines 54-56 of McComb. Note also that McComb at column 12, lines 1-9 discusses adjusting rows which connotes text adjustment.

Moreover, this language only describes expanding or contracting an object in order to make it fit. This language in McComb does not disclose optimum filling of the available display screen surface, nor does it disclose suppressing less important details of the object contents, nor does it disclose changing the mode of the display of the object contents or the object, nor does it disclose avoiding mutual overlapping of objects, nor does it disclose that the objects are ordered in a hierarchy, which ordering can be changed.

Because McComb does not disclose all of the elements of claim 3, it is submitted that **claim 3 and claims 24-26 dependent therefrom** are not anticipated by McComb.

Claim 4 is Patentable Over Hochstedler as Modified By McComb

First, the Applicant refers the Examiner to the remarks and arguments presented in Amendment C.

Second, in the Examiner's Response to Arguments, the Examiner asserts that Hochstedler discloses displaying information corresponding to more than one patient. Contrary to the Examiner's assertion, column 1, lines 10-15 do not disclose displaying information from more than one patient on a common screen. Column 3, line 25 of Hochstedler referenced by the Examiner does indicate that the processor **30** may receive information from a second patient. However, the claim 4 is directed to an improved display format. Column 3, lines 20-25 referenced by the Examiner say nothing about how second patient information is displayed. It does not address nor disclose any of the aspects of the improved display format set forth in detail in claim 4. Moreover, it is postulated that Hochstedler does not display two patients on a single screen. Rather, the Examiner's attention is directed to the two rows of buttons along the bottom of Figure 2, particularly the button entitled "view other patient" near the middle of the second row. It is postulated that it is more likely that Hochstedler views other patients by pressing this button and changing the entirety of the display dedicated solely to the current patient to bring up a display dedicated

solely to the second patient. Lacking any details regarding how Hochstedler displays second patient information, it is submitted that the above is as good or better a guess as to how Hochstedler might display second patient data than the Examiner's guess that he might do it as claimed in claim 4.

Further, the Examiner asserts that resizing the object of one of the patients relative to the other is not recited in the claims. To the contrary, claim 4 recites a first group of objects corresponding to a first patient and a second group of objects corresponding to a second patient. Further, claim 4 calls for automatically changing the objects independent of object content, selected settings, available display resource on the display, etc. Accordingly, it is submitted that claim 4 does claim resizing objects of one of the groups relative to objects in the same and the other group, hence resizing an object of one patient relative to objects of the other.

Accordingly, it is submitted that **claim 4 and claims 2, 6, 27, and 28 dependent therefrom** distinguish patentably over the references of record.

Claim 7 is Patentable Over McComb in View of Hochstedler

First, the Applicant refers the Examiner to the remarks and arguments presented in Amendment C.

Second, the Applicant directs the Examiner to the rebuttal of the rejection of claim 3 set forth above, regarding the deficiencies of McComb relative to the improved display format set forth in claim 3. Many of the limitations of claim 3 discussed above also appear in claim 7 and the arguments are equally applicable to claim 7. Hochstedler does not address or cure these shortcomings. If the Examiner still believes that McComb and Hochstedler disclose each limitation of claim 7, it is requested that she extend the Applicant the courtesy of pointing out where each limitation is found in one or both of the references.

Although it appears that the Applicant and the Examiner have reached an issue on claim 7 which will need to be resolved by the Board, the Applicant has added new claims 29 and 30 in an attempt to break this impasse.

For the reasons set forth above, it is submitted that **claim 7 and claims 9, 19, 29, and 30 dependent therefrom** distinguish patentably over the references of record.

Claim 31 Distinguishes Patentably Over the References of Record

Claim 20 has been cancelled and replaced with new **claim 31**, which looks to present similar concepts to claims 20 and 22, but more focused on the display of the patient monitoring information.

Claim 22 Distinguishes Patentably Over the References of Record

First, the Applicant refers the Examiner to the remarks and arguments presented in Amendment C.

Second, it is again submitted that Hochstedler does not disclose a display technique as described in claim 22. In the Examiner's Response to Arguments, the Examiner asserts that Hochstedler responds to change in capabilities or environment and refers the Applicant to column 11, lines 23-30. However, it is submitted that Hochstedler does not disclose positioning and scaling objects in a group using a calculation rule in a manner such that the objects are automatically changeable in dependence upon object contents, selected settings, and available user resources on a display screen while avoiding overlapping objects.

Rather than a computer implemented dynamic change of display format, it is submitted that Hochstedler has a series of predefined display formats or layouts **39** which are user-definable (column 4, lines 4-5). As set forth in greater detail in column 4, lines 30-41, the user manually defines layouts. (As a practical matter, although the display format is manually designed, it is unlikely that each nurse customizes the format to his/her own taste while monitoring a patient). In comparing Figures 2 and 9 of Hochstedler, mid-way in the right-hand column, Figure 2 has a block for "GAS" which appears to have no data. In Figure 9, it appears that a different piece of monitoring equipment was connected which produces data in this same box which is now labeled "CO" and is displayed with the data "33.0° C". Thus, it appears that Hochstedler may have different, predefined manually-created layouts which the nurse or other user can select, and that the nurse or other user does not create their own layout while monitoring a patient.

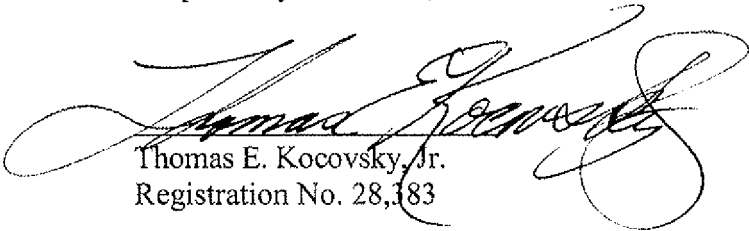
Although the Examiner may disagree with the Applicant's postulated interpretation of Hochstedler, it is submitted that the disagreement arises from a lack of information and description in Hochstedler. Particularly, Hochstedler does not disclose either the positioning and scaling of objects step quoted above, nor does Hochstedler suggest that in response to one of the objects ceasing to contain relevant patient monitoring information, automatically, without user intervention, substituting another object and repositioning and rescaling the displayed objects using the calculation rule. It is apparent from Figure 2 and others of Hochstedler that when objects cease to contain relevant patient monitoring information, there is no indication of any repositioning or rescaling, much less using a calculation rule. Note, for example, in Figure 2, all window objects in the right-hand column **51** contain no relevant patient information. Yet, rather than repositioning and rescaling, these objects simply remain blank. Accordingly, it is submitted that Hochstedler just does not disclose the method of optimizing a presentation of static and dynamic objects containing patient monitoring information as set forth in claim 22. Accordingly, it is submitted **that claim 22 and claims 2 and 23 dependent therefrom** are not anticipated by Hochstedler.

CONCLUSION

For the reasons set forth above, it is submitted that claims 2-4, 6, 7, 9, 16-19 and 21-31 distinguish patentably over the references of record. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,



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